IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FOURTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SMT. JUSTICE T.MEENA KUMARI

WRIT PETITION NO : 28192 of 1995

Between:

Medapati Jagjeevan Reddy S/O China Subbi Reddy
R/O Mahendravada (V), Anaparthi (M),
E.G.DIST.

..... PETITIONER

AND

1 Revenue Divisional Officer, Rajahmundry, E.G.Dist.
2 Mandal Revenue Officer, Anaparthi, E.G.Dist.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an order, directionor any appropriate Writ more particularly in nature of writ of mandamus declaring the proposed action of the respondents in taking the possession of the lands in respect of sy.no.51 to an extent of ac.4.58 cents situate at Mahendravada (v) Anaparthy (M), E.G.Dist. to distribute the same to weak sections for house sites as illegal, arbitrary, high-handed and violative of principles of natural justice and 300-A of Constitution of India and for a consequential order directing the respondents to drop all further proceedings in this regard and to pass such other order or further orders as this Hon'ble court deems fit and proper.

Counsel for the Petitioner: MR.CH.DHANAMJAYA

Counsel for the Respondent Nos.1 & 2: GP FOR REVENUE

The Court made the following:

ORDER:

Seeking to declare the proposed action of the respondents in taking the possession of the lands admeasuring Ac.4.58cents in Survey No. 51 situate at Mahendravada village, Anaparthy Mandal, East Godavari District for the purpose of distributing the same to weaker sections for house sites as illegal and arbitrary, the present writ petition is filed.

Facts shorn of details and necessary for disposal of this writ petition are as follows:

The petitioner is a resident of Mahendravada village. He has been cultivating the aforesaid land belonging to Sri Venugopalaswami Devasthanam, as a tenant, for 20 years by paying maktha and taxes to the authorities concerned. The respondents are trying to take possession of the aforesaid lands without following the provisions under A.P.Tenancy Act or Land Acquisition Act. Hence, the writ petition.

While admitting the writ petition on 14-12-1995, this Court granted interim stay of all further proceedings including taking possession of the land in question.

Despite service of notice, the respondents did not choose to file the

counter so far.

The record goes to show that no steps have been taken by the respondents to vacate the above interim order so far.

In this view of the matter, it would suffice if a direction is issued to the respondents not to dispossess the petitioner from the land in question without following the due process of law. Accordingly, the writ petition is disposed of. The respondents are directed not to evict the petitioner from the land in question, without following the due process of law.

_____

24-03-2005

rkk

Copy to

1 Revenue Divisional Officer, Rajahmundry, E.G.Dist.
2 Mandal Revenue Officer, Anaparthi, E.G.Dist.

3 Two CCs to GP for Revenue, High Court buildings, Hyderabad.

4 Two CD copies.